

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ariel BEN-PORATH

Serial No.: 09/334,049

Filed: June 15, 1999



Customer Number: 20277

Confirmation Number: 4880

Group Art Unit: 2623

Examiner: Vikram Ball

For: HYBRID INVARIANT ADAPTIVE AUTOMATIC DEFECT CLASSIFICATION

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

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MAR 0 8 2004

Technology Center 2600

Transmitted herewith is an Amendment in the above-identified application.



No additional fee is required.



Applicant is entitled to small entity status under 37 CFR 1.27



Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	30	30	0	\$18.00 =	\$0.00
Independent Claims	4	4	0	\$86.00 =	\$0.00
Multiple claims newly presented					\$0.00
Fee for extension of time					\$0.00
Total of Above Calculations					\$0.00

Please charge my Deposit Account No. 500417 in the amount of \$0.00. An additional copy of this transmittal sheet is submitted herewith.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Michael A. Messina

Registration No. 33,424

600 13th Street, N.W.

Washington, DC 20005-3096

(202) 756-8000 MAM:mcm

Facsimile: (202) 756-8087

Date: March 5, 2004



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3-15-04

Docket No.: 49959-03

PATENT

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RESPONSE

Mail Stop Non-Fee Amendment
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Sir:

The following remarks are submitted in response to the Office Action dated December 5, 2003.

Claims 1-5 and 7-30 are pending in the application.

In the Office Action, claims 1 and 3-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,047,083 (Mizuno). Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mizuno in view of the article entitled "Automatic defect classificationn for semiconductor manufacturing", by Paul B. Chou et al, Machine Vision and Application, 1997, pp. 201-213 (Chou). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mizuno in view of the discussion at page 11, lines 7-30 of the present application. Claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mizuno in view of U.S. Patent 5,172,421 (Nakamura). Claims 10-18 and 22-30 were rejected as claims 1-9, because they are

claiming similar subject matter as claims 1-9. Claims 19, 20 and 21 were rejected as claims 1, 8 and 9, because they are claiming similar subject matter as claims 19, 20 and 21. These rejections are respectfully traversed. Applicant respectfully requests reconsideration and allowance of the claims in view of the following arguments.

The present invention and the cited references were discussed in detail in Applicant's Amendment of August 13, 2002. For convenience, Applicant refers the Examiner to that discussion.

The present invention utilizes the best attributes of three different types of classifiers to perform defect classification more quickly and reliably than prior art methodologies. It employs a rule-based core classifier for fast initial classification of defects into a predetermined number of core classes, the core classifier being able to work during start-up and ramp-up of a production line because it does not require examples of defects. It also uses non rule-based specific adaptive classifiers (i.e., "classic classifiers"), each associated with only a small number of the core classes (e.g., with only one or two core classes), trained by the user with sample defect images, in parallel with the core classifier for sub-classification within a core class. The present invention further employs a full classifier (also based on sample defect images), but only on a limited basis for special types of defects that do not fit in to the core classification scheme. Thus, as the fabrication process matures and the types of defects of interest become more diverse, the specific adaptive and full classifiers can be trained as needed to perform more detailed defect classification.

None of the cited prior art references, alone or in combination, teaches or suggests an apparatus or a method that employs both a rule-based core classifier and a specific adaptive classifier associated with only a small number of the core classes, that is a classic classifier trained by the user with a set of sample defect images, as required by independent claims 1, 10, 19 and 22.

Regarding the obviousness rejection of independent claims 1, 10, 19 and 22 based on Mizuno, the primary Mizuno reference teaches the use of a rule-based core classifier to classify defects into one of a predetermined number of core classes. However, as admitted in the Office Action, Mizuno fails to teach or suggest using a specific adaptive classifier associated with the one core class and less than the predetermined number of core classes, and trained by the user with a set of sample defect images, to further classify the defect into a subclass, as required by independent claims 1, 10, 19 and 22. Rather, Mizuno teaches using a core classifier for this function. In other words, Mizuno uses a rule-based classifier to initially classify defects, and also to subclassify the defects.

However, it is contended in the Office Action that it would have been obvious to modify Mizuno's technique to add the claimed specific adaptive classifier to yield the claimed invention. This contention is supposedly supported by the fact that Mizuno teaches, at col. 5:15-20, subclassification of defects using a pattern design rule of the device which is stored by Mizuno's apparatus prior to the inspection. The Office Action considers this to be the claimed classic classifier trained by the user and associated with a limited number of core classes.

Applicant disagrees. Mizuno's classifier described at col. 5 is not a classic classifier as explicitly defined in the claims. The independent claims define the recited specific adaptive classifier as a classic classifier trained by the user *with a set of sample defect images*. Mizuno's classifier described at col. 5 is not trained by the user with a set of sample defect images. Rather, it is the epitome of a rule-based classifier, in that it classifies based on the design rules of the inspected semiconductor device. There is no teaching in Mizuno that the classifier of col. 5 is trained by the user with a set of sample defect images, as claimed. It needs no sample defect images to classify,

since it uses the device's design rules. It is really not "trained" by the user at all. The user simply plugs in the design rules as a part of setting up the classifier.

Since Mizuno does not teach or even suggest the claimed classic-style specific adaptive classifier associated with less than a predetermined number of core classes of defects and trained by the user with a set of sample defect images, it would not have been obvious to modify Mizuno combination to yield the invention of claims 1, 10, 19 or 22. In fact, insofar as it teaches the use of the design rules of the inspected semiconductor device to subclassify defects, Mizuno *teaches away* from the claimed specific adaptive classifier.

Thus, it would not have been obvious to modify Mizuno to yield the inventions of independent claims 1, 10, 19, and 22, because Mizuno does not teach or suggest the step of classifying a defect as being in one of an arbitrary number of variant subclasses using a specific adaptive classifier associated with less than a predetermined number of core classes that is a classic classifier trained by the user with a set of sample defect images, as required by independent claims 1 and 22; and does not disclose or suggest a specific adaptive classifier associated with less than a predetermined number of core classes for classifying the defect as being in one of an arbitrary number of variant subclasses that is a classic classifier trained by the user with a set of sample defect images, as required by independent claims 10 and 19.

Consequently, claims 1, 10, 19 and 22 are patentable, as are claims 3-5, 12-14, 23-26, and 30, which depend from claims 1, 10, 19 and 22, respectively.

Regarding the obviousness rejection of claims 2 and 11 based on Mizuno and Chou, the Chou reference does not teach or suggest the claimed classic-style specific adaptive classifier, associated with less than a predetermined number of core classes of defects and trained by the user with a set of sample defect images, missing from Mizuno. Chou does not teach or suggest using

non rule-based classifiers *associated with less than a predetermined number of core classes* to sub-classify defects, as claimed. Chou does not mention subclassification. Therefore, any combination of Mizuno and Chou, however made, would still be missing the claimed specific adaptive classifier, and it would not have been obvious to add the claimed specific adaptive classifier to any Mizuno/Chou combination.

Consequently, claims 2 and 11 are patentable.

Regarding the obviousness rejection of claims 6 and 15 based on Mizuno and page 11, lines 7-30 of the application, it is contended in the Office Action that the Applicant admits (at page 11, lines 7-30) that a plurality of specific adaptive classifiers as claimed in claims 6 and 15, each associated with less than a predetermined number of core classes, is in the prior art. This is not correct. There is no support at page 11 or anywhere else in the specification for the contention that Applicant considers the claimed plurality of specific adaptive classifiers to be in the prior art. In fact, the application is replete with statements as to the inventiveness of the claimed specific adaptive classifiers. See, for example, page 7, lines 28 et seq., distinguishing specific adaptive classifiers from prior art classic classifiers.

Since all the limitations of claims 6 and 15 are not found in the cited references, the rejection under § 103 should be withdrawn. Consequently, claims 6 and 15 are patentable.

Regarding the obviousness rejection of claims 7-9, 16-18, 20-21 and 27-29 based on the Mizuno and Nakamura references, Nakamura does not teach or suggest the recited specific adaptive classifier of independent claims 1, 10, 19 and 22 (from which claims 7-9, 16-18, 20-21 and 27-29 depend) missing from Mizuno. Nakamura teaches a rule-based classifier (see Nakamura, Abstract). Moreover, Nakamura does not teach a classifier associated with a particular core class, as claimed. Still further, Nakamura does not teach the claimed combination of a core classifier and a specific

adaptive classifier associated with a particular core class. Therefore, any combination of Mizuno and Nakamura, however made, would still be missing the claimed specific adaptive classifier, and it would not have been obvious to add the claimed specific adaptive classifier to any Mizuno/Nakamura combination.

Consequently, claims 7-9, 16-18, 20-21 and 27-29 are patentable.

Reconsideration and withdrawal of the rejection of claims 1-30 under 35 U.S.C. §103 are respectfully requested.

Accordingly, it is believed that all pending claims are now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Michael A. Messina

Registration No. 33,424

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 MAM:mcm
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